

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADAM DEAN FOX, et al.,

Defendants.

CASE No. 1:20-CR-183

HON. ROBERT J. JONKER

ORDER

On August 11, Attorney Blanchard filed a brief reporting a possible juror misconduct issue. (ECF No. 707). The Court placed the filing on restricted access pending further investigation. (ECF No. 709). The Court consulted with counsel and conducted its own investigation. On August 14, the Court concluded based on its investigation that the record did not disclose a basis to doubt the subject juror's honesty, and that the jury as constituted could fairly continue with and decide the case. The Court filed its own Order on a restricted access basis too. (ECF Nos. 711 and 712).¹

After the Court received the jury's verdict and discharged the jury today, Attorney Blanchard made an oral motion to make his original filing public. The Court declined to do so on an oral motion without having the opportunity review the subject documents and consider what, if anything, should be made public at this time. After again reviewing Attorney Blanchard's brief

¹ The content of ECF Nos. 711 and 712 is identical. A second filing was necessary to correct a service issue.

(ECF No. 707) and this Court's Order (ECF Nos. 711 and 712), the Court is satisfied that both items can now be public without creating undue risk to the jury process itself or to the privacy interests of any individual juror. Accordingly, the Court directs the Clerk of Court to remove ECF Nos. 707, 711 and 712 from restricted access and to make those documents public.

As specified in earlier Orders today (ECF Nos. 726 and 727), any future filings that seek to impeach the verdict or otherwise involve jurors, individually or as a group, shall be filed on a restricted access basis, available only the parties and the Court, pending further Order of the Court. This will enable the Court to continue balancing the relevant interests in the timing and content of public disclosures of any such filings.

IT IS SO ORDERED.

Dated: August 23, 2022

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE